



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,194	07/15/2003	Eric N. Paton	039153-0646	8693
26371	7590	08/25/2004	EXAMINER	
FOLEY & LARDNER				GARCIA, JOANNIE A
777 EAST WISCONSIN AVENUE				ART UNIT
SUITE 3800				PAPER NUMBER
MILWAUKEE, WI 53202-5308				2823

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,194	PATON ET AL	
	Examiner	Art Unit	X
	Joannie A Garcia	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 1-8 is/are allowed.
- 6) Claim(s) 9-19 is/are rejected.
- 7) Claim(s) 20 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040820.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Chong et al (US 2002/0098689).

The rejection is maintained as stated in the Office Action mailed 02-27-04, and as stated below.

Applicant argues that Chong et al does not teach providing a first layer and a second layer above a strained semiconductor layer. However, Chong et al discloses providing a first layer 20 and a second layer 30 above a strained semiconductor layer 10, as shown in Figures 4 and 7.

Applicant argues that Chong et al does not teach doping a germanium containing layer through a first layer of insulative material to form source and drain regions. However, Chong et al discloses doping a germanium containing layer 10 through a first layer 32 of insulative material such as silicon oxide or silicon nitride, to form source and drain regions 60, as shown in Figures 9 and 10, and as disclosed in Paragraphs 0027-0029.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al as applied to claims 9-17 above, and further in view of Yang et al (U.S. Patent 6,306,722).

Chong et al does not teach forming said silicon oxide first layer using an LPCVD process in an oxygen and silane atmosphere. Yang et al discloses forming a silicon dioxide layer 110 above substrate 100 using an LPCVD process in an oxygen and silane atmosphere (Figure 1C, and Column 2, lines 47-62). It would have been within the scope of one of ordinary skill in the

art to combine the teachings of Chong et al and Yang et al to enable the step of forming first layer 32 of Chong et al to be performed.

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2823

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956 until 2/4/04. See MPEP 203.08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Joannie Adelle García whose telephone number is (571) 272-1861. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (571) 272-1855. The fax number for this group is 703-872-9306 for before final submissions, 703-872-9306 for after final submissions and the customer service number for group 2800 is (703) 872-9317. Updates can be found at <http://www.uspto.gov/web/info/2800.htm>.



JAG

August 20, 2004

George Fourson
Primary Examiner
Art Unit 2823
(571) 272-1860



George Fourson
Primary Examiner
Art Unit 2823